



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,752	05/24/2001	Robert S. Sielken	RSW920010095US1	1924

7590 07/25/2005

Jeanine S. Ray-Yarletts
IBM Corporation T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,752	Applicant(s) SIELKEN, ROBERT S.	
	Examiner Nhon (Gary) D. Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

HC

DETAILED ACTION

1. This communication is responsive to amendment, filed 07/11/2005.
2. Claims 1-8, 12, 13, 17, 19-26, 30, 31, 35-42, 46 and 47 are pending in this application.

Claims 1, 17, 19, and 35 are independent claims. In this amendment, no claim is canceled, claims 1, 17, 19, and 35 are amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8, 12, 13, 17, 19-21, 24-26, 30, 31, 35-37, 40-42, 46 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Angiulo et al. ("Angiulo", US 2002/0135621).

As per claims 1, 17, 19 and 35 Angiulo teaches a computer implemented method and corresponding system for ordering elements included within a list comprising the steps/means:

presenting the set of elements in a list format in a first order in a graphical user (set of elements list box 120 of FIGURE 3); receiving a first user input selecting a set of the element from the list (page 6, paragraph 47);

responsive to detecting the first user input, monitoring for a second user input, indicating a movement of the set of elements within the list; and responsive to detecting the second user

Art Unit: 2179

input (page 6, paragraphs 46 and 47; selecting MOVE UP 122 or MOVE DOWN 124), automatically reordering the elements in the list including:

when the set of element are contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements together as one unit as if said set were a single list element to create a modified list of elements in a second order, said set of elements appearing to a user as having been moved simultaneously (page 6, paragraphs 46 and 47); and

when the set of elements are non-contiguous elements, automatically reordering the elements in the list by moving, within the list, the set of elements as one unit, said set of elements appearing to a user as having been moved simultaneously, wherein each element in the set of elements has a relative order to another element in the set of elements, and wherein the relative order is preserved (page 6, paragraphs 46 and 47).

As per claims 2, 20 and 36, Angiulo teaches the second user input causes the set of elements to be moved in a first direction within the list by a selected number of locations (page 6, paragraphs 46 and 47).

As per claims 3, 21, and 37, Angiulo teaches the second user input causes the set of elements to be moved in a second direction within the list by a selected number of locations (page 6, paragraphs 46 and 47).

As per claims 6, 7, 13, 24, 25, 31, 40, 41, and 47, Angiulo teaches the second user input received by a selection of a control associated with the set of elements, wherein the control is a

Art Unit: 2179

navigation button (page 6, paragraphs 46 and 47; MOVE UP 122 or MOVE DOWN 124 buttons).

As per claims 8, 26, and 42, Angiulo teaches the second user input includes an identification of a direction in which the set of elements are to be moved (page 6, paragraphs 46 and 47; MOVE UP 122 or MOVE DOWN 124 buttons) and wherein the automatically reordering step comprises:

determining whether the set of elements can be moved in the direction identified by the second user input; and responsive to a determination that the set of elements can be moved in the direction, moving the set of elements in the direction (page 6, paragraphs 46 and 47; MOVE UP 122 or MOVE DOWN 124 buttons).

As per claims 12, 30, and 46, Angiulo teaches displaying the list in a window (list 120 of e.g. FIGURE 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 22, 23, 38 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo in view of Examiner Automated Search Tool ("EAST").

As per claims 4, 22 and 38, Angiulo does not disclose the second user input causes the set of elements to be moved to a first end of the list. EAST teaches clicking on button 1 moves the selected items to the bottom of the list (e.g. FIGURES 4 and 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from EAST of moving selected items to the bottom of the list in Angiulo's system since it would have helped to move the selected items faster to one end of the list.

As per claims 5, 23 and 39, Angiulo does not disclose the second user input causes the set of elements to be moved to a second end of the list. EAST teaches clicking on button 1 again moves the selected items to the top of the list (e.g. FIGURES 5 and 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from EAST of moving selected items to the top of the list in Angiulo's system since it would have helped to move the selected items faster to one end of the list.

Inquiries

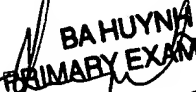
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
July 21, 2005


BAHUYNH
PRIMARY EXAMINER